

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRAIG BUCK, KENNETH MICCICHE, VALERIE
L. PAWSON, CAROLINE MARSHALL-SMITH,
WANDA MILLS, JEFF GOLUMBUK, ANESIA
KALAITZIDIS, ATHANASE KARAGIORGOS,
AND JENNIFER TSOUVRAKAS, ON BEHALF OF
THEMSELVES AND OTHERS

Plaintiffs

v.

CIVIL ACTION NO. 04-12558-NMG

ALASKA AIRLINES, AMERICAN AIRLINES,
CONTINENTAL AIRLINES, DELTA AIR LINES,
INC., NORTHWEST AIRLINES, SOUTHWEST
AIRLINES CO., d/b/a SOUTHWEST AIRLINES,
CHINA EASTERN AIRLINES CORP. LTD.,
CHINA SOUTHERN AIRLINES CO. LTD.,
AER LINGUS LIMITED, ALITALIA-LINEE
AEREE ITALIANE S.P.A., d/b/a ALITALIA
AIRLINES, BRITISH AIRWAYS, PLC, d/b/a
BRITISH AIRWAYS, DEUTSCHE LUFTHANSA,
A.G., d/b/a LUFTHANSA AIRLINES, OLYMPIC
AIRWAYS-SERVICES, SA, d/b/a OLYMPIC
AIRWAYS, AIR TRANSPORT ASSOCIATION
OF AMERICA, INC., AIRLINES REPORTING
CORP., and the FEDERAL AVIATION
ADMINISTRATION

Defendants

MOTION OF THE DEFENDANT, AER LINGUS, TO DISMISS THE
PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)

Defendant, Aer Lingus, hereby moves to dismiss the Plaintiffs' Amended Complaint, Jury Claim, and Request for Class Certification (the "Amended Complaint") pursuant to Fed. R. Civ. P. 12(b)(6).

As grounds for its motion, Aer Lingus states that dismissal is proper because the plaintiffs' claims are expressly preempted and barred by federal law and, as a matter of law, the

plaintiffs have failed to state a claim as to each of the separate counts alleged in the Amended Complaint. In support of this Motion the defendant adopts and incorporates by reference those arguments contained in the Memorandum of Law in Support of the Domestic Defendants' Motion to Dismiss.

WHEREFORE, the defendant, Aer Lingus, respectfully requests that the Amended Complaint be dismissed pursuant to Fed. R. Civ. P. 12(b)(6), and for such other and further relief as this Court deems just and proper.

AER LINGUS

By its attorneys,

/s/ Kevin C. Cain
Kevin C. Cain, BBO #550055
Peabody & Arnold LLP
30 Rowes Wharf
Boston, MA 02110
617) 951-2100

Dated: July 29, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify that counsel for Aer Lingus attempted in good faith to resolve the issues presented in this Motion with counsel for the Plaintiffs but was unable to do so.

/s/ Kevin C. Cain
July 29, 2005

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